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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,782	12/22/2000	Christer Fahraeus	63917	1423

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EXAMINER

NGUYEN, KIMNHUNG T

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/746,782

Applicant(s)

FAHRAEUS, CHRISTER

Examiner

Kimnhung Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-9,11-18 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This application has been examined. The claims 1, 3-9, 11-18, 20-25 are pending. The examination results are as following.

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 5-6, 11, 13, 16-21 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Ericson et al. (US 6,570,104).

Regarding claim 1, Ericson et al. disclose in figure 2, a handheld electronic device which is adapted to carry out at least one operation, comprising: a registration device (see pen) for registering strokes when the device is moved; interpretation means for determining if the strokes comprise a command; and processor means (16) for carrying out an operation upon determination of said command, wherein the registration device is adapted to record the command electronically by detecting a position code arranged on a writing surface, upon which the command is written (see pen point 17 of figure 2, applied to sheet surface of figure 1, to determine a position code (see column 12, lines 37-43, and column 1, lines 25-30).

Regarding claim 3, Ericson et al. disclose, wherein said registration device comprises an optical sensor (14) which is adapted to record images of the writing surface, and a signal

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processor (16), which is adapted to use the position code in the images for providing a digital representation of the command.

Regarding claim 4, Ericson et al. (Previously Presented) A device according to claim 3, wherein the signal processor comprises a character interpretation function which is adapted to translate the digital representation of the command into character-coded format, such as ASCII-code.

Regarding claim 5, Ericson et al. disclose, the registration device is adapted to record a message information quantity, which is used in the operation, in essentially the same way as the command is recorded.

Regarding claim 6, Ericson et al. disclose, wherein the registration device is adapted to record the information quantity by detecting the position code on a writing surface (see column 12, lines 54-59, and column 3, lines 1-6).

Regarding claim 11, Ericson et al. disclose, wherein the registration device comprises an optical sensor for recording images with partially overlapping content and a signal processor which is adapted to determine how the device has been moved in connection with the writing of the command by determining the relative position of the images (see figure 1)

Regarding claim 13, Ericson et al. disclose the device is a digital pen for electronic recording of information (see figure 2).

Regarding claim 16, Ericson et al. disclose a software program, which is stored on a memory medium, which can be read by a computer and which comprises instructions for causing the computer to detect a command, by electronically detecting a position code (see position code, see column 1, lines 7-10), written by means of a handheld electronic device, which is used as a pen, and to initiate a predetermined operation in response to the command (see figure 2, column 12, lines 37-59).

Regarding claim 17, Ericson et al. disclose method for initiating an operation in a handheld electronic device, comprising: using the device as a pen (see figure 2); and writing a command symbol to perform an operation on a surface that includes a position code (see figure 1-2, column 7, lines 25-26).

Regarding claim 18, Ericson et al. disclose a method for controlling a handheld electronic device (see figure 2, see pen 17), the device being adapted to carry out at least one operation, comprising: registering strokes when the device is moved; determining if the strokes comprise a command; and carrying out an operation upon determination of the command, wherein the registering strokes includes recording the command electronically by detecting a position code arranged on a writing surface, upon which the command is written (see column 7, lines 19-30).

Regarding claim 20, Ericson et al. disclose, wherein registering strokes is performed using an optical sensor (14) which records images of the writing surface (3 figure 1), and

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wherein determining if the strokes comprise a command further includes processing, using the position code in the images, for providing a digital representation of the command.

Regarding claim 21, Ericson et al. disclose an inherent translating the digital representation of the command into character-coded format (see table 1).

Regarding claim 25, Ericson et al. disclose a handheld electronic device which is adapted to carry out at least one operation, comprising: a registration device for registering strokes when the device is moved; an interpreter for determining if the strokes comprise a command; and a processor for carrying out an operation upon determination of said command, wherein the registration device is adapted to record the command electronically by detecting a position code arranged on a writing surface, upon which the command is written (see figures 1-2, column 12, lines 37-43, and column 1, lines 25-30).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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4. Claims 4,7-9, 12, 14-15 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ericson et al. (US 6,570,104) in view of De Schrijver (WO 00/00928 cited by Applicant).

Regarding 4, Ericson et al. do not disclose the digital representation of the command into character-coded format, such as ASII-code. De Schrijver discloses character-coded format, such as ASII-code (see page 11, lines 18-19).

Regarding claim 7-9, and 22-24, Ericson et al. do not disclose the device has at least two modes, one being a command mode for recording the command and the other being an informatin mode for recording the message information quantity. Ericson et al. disclose one mode for recording the command (see position code). De Schrijver discloses an inherent command mode for recording the command and the other being an informatin mode for recording the message information quantity (see figure 1, see character Steve).

Regarding claims 12, 14, Ericson et al. do not disclose the device is a mobile telephone; wherein only a detachable part of the device is used as a pen for writing the command for carrying out the operation, the detachable part being adapted for communication with the rest of the device. De Schrijver discloses in figure 5 the device is a mobile telephone; wherein only a detachable part of the device is used as a pen for writing the command for carrying out the operation, the detachable part being adapted for communication with the rest of the device.

Regarding claim 15, wherein the device has a first and second part which are separable and which have transceivers for mutual wireless communication, and wherein the device is

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controllable by the user using the first part as said pen, by means of which the command for initiating the operation is written. De Schrijver et al. disclose in figure 5, the device has a first and second part which are separable and which have transceivers for mutual wireless communication, and wherein the device is controllable by the user using the first part as said pen, by means of which the command for initiating the operation is written.

From the claims above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement character-coded format, such as ASCII-code; recording the message information quantity; the device is a mobile telephone; wherein only a detachable part of the device is used as a pen for writing the command for carrying out the operation, the detachable part being adapted for communication with the rest of the device as taught by De schrijver into the system of Ericson et al. because this would for providing the wireless communication device and to generate ASCII text to be displayed to the user on the screen or transmitted to a remote site.

### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimnhung Nguyen whose telephone number (703) 308-0425.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **RICHARD A HJERPE** can be reached on **(703) 305-4709**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D. C. 20231



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**Or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only).**

Hand-delivery response should be brought to: Crystal Park II, 2121 Crystal Drive,  
Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Technology Center 2600 Customer Service Office whose telephone  
number is (703) 306-0377.

Kimnhung Nguyen  
September 4, 2004

  
9/7/04  
RICHARD HJERPE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600